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**SUBSTITUTE HOUSE BILL 3204**

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**State of Washington                      60th Legislature                      2008 Regular Session**

**By House Health Care & Wellness (originally sponsored by Representatives Morrell, Campbell, and Green)**

READ FIRST TIME 02/05/08.

1            AN ACT Relating to protecting medicaid residents in boarding homes;  
2 and adding a new section to chapter 18.20 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            NEW SECTION.    **Sec. 1.** A new section is added to chapter 18.20 RCW  
5 to read as follows:

6            (1)(a) In the case of a boarding home that voluntarily withdraws  
7 from participation in the state medicaid program for residential care  
8 and services but continues to provide services of the type provided by  
9 boarding homes:

10            (i) The facility's voluntary withdrawal from participation is not  
11 an acceptable basis for the transfer or discharge of medicaid residents  
12 of the facility who were residing in the facility on the day before the  
13 effective date of the withdrawal or the transfer or discharge of  
14 residents who shall become entitled to medicaid assistance within one  
15 hundred eighty days of the date of withdrawal, providing that such  
16 residents have been in private pay status in the facility for at least  
17 two years prior to the date of withdrawal from the state medicaid  
18 program. The requirement to continue to serve residents described in  
19 this subsection shall be dependent on the continuation of the

1 reimbursement rates described in the medicaid contract in place on the  
2 date when the facility voluntarily withdraws from the state medicaid  
3 program;

4 (ii) The provisions of this section continue to apply to the  
5 residents of the facility until the date of their discharge from the  
6 facility; and

7 (iii) In the case of each person who begins residence in the  
8 facility on or after the effective date of the facility's withdrawal  
9 from medicaid participation referenced in (a)(i) of this subsection,  
10 the facility shall provide notice orally and in a prominent manner in  
11 writing of the information described in subsection (2) of this section  
12 on a separate page before the person begins residence, and shall obtain  
13 from each person at that time a signed, written acknowledgement of  
14 receipt of the information, separate from other documents signed by the  
15 person.

16 (b) Nothing in this subsection shall be construed as affecting any  
17 requirement that a boarding home provide advance notice to the  
18 department of its intention to voluntarily terminate the facility's  
19 medicaid contract with the department.

20 (2) The following information must be provided to the persons  
21 described in subsection (1)(a)(iii) of this section:

22 (a) The facility will not participate in the medicaid program with  
23 respect to that person; and

24 (b) The facility may transfer or discharge that person from the  
25 facility if the person is unable to pay the charges of the facility,  
26 even if the person becomes eligible for medicaid assistance for  
27 boarding home services.

28 (3) Notwithstanding any other provision of this section, with  
29 respect to the persons described in subsection (1)(a)(i) of this  
30 section, a medicaid contract between the department and a facility  
31 described in subsection (1) of this section is deemed to continue in  
32 effect under that agreement after the effective date of the facility's  
33 voluntary withdrawal from participation in the medicaid program for  
34 purposes of:

35 (a) Receiving payments under the medicaid program for boarding home  
36 services provided to such persons;

37 (b) Maintaining compliance with all requirements of the medicaid  
38 contract between the department and the facility; and

1 (c) Continuing to apply the inspection, contracting, and  
2 enforcement authority provided under the department's contract,  
3 regulations, and law.

4 (4) Except as provided in subsections (1)(a)(iii) and (2) of this  
5 section, this section shall not apply to a person who begins residence  
6 in a facility on or after the effective date of the facility's  
7 withdrawal from participation in the medicaid program for residential  
8 care and services.

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